

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**

JOHN BULTHOUSE Individually and as
Personal Representative for the Estate of
Paul Bulthouse, Deceased

PLAINTIFF

-VS-

**CORRECTED PLAINTIFF'S
MOTION TO APPROVE
WRONGFUL DEATH
SETTLEMENTS AND
DISTRIBUTION OF THE
PROCEEDS**

Case No. 21-cv-00281
HON. PAUL L. MALONEY

COUNTY OF MUSKEGON, a municipal corporation, and
SHERIFF MICHAEL POULIN; LT. MARK BURNS;
SGT. DAVID VANDERLAAN; DEPUTY BRITTANY MILLER;
DEPUTY JESSIE OLSON; DEPUTY CRYSTAL GREVE;
DEPUTY JUSTIN WALL; DEPUTY CHRISTOPHER GRAVIANO;
DEPUTY BRADLEY PERRI; DEPUTY JAMAL LANE;
DEPUTY JEFFERY PATTERSON; DEPUTY SHAWN BAKER;
and other UNKNOWN DEPUTIES;
WELLPATH, LLC, formerly known as CORRECT CARE SOLUTIONS, LLC;
JOSEPH NATOLE, JR., M.D. P.C.; DR. JOSEPH NATOLE, M.D.;
CARLEEN BLANCHE, RN; AUBREY SCHOTTS, RN;
JESSICA ANN FAIRBANKS, LPN; ASHLEIGH SEVERANCE, LPN;
DANIELLE CARLSON, LPN; DAVID LOPEZ, LPN;
RICHELE MARION, EMT; BRITNI BRINKMAN, EMT;
SARA BRUCE, EMT; JANE DOE; and JOHN DOE;
Individually, and in their official / supervisory capacities,
Jointly and Severally,
DEFENDANTS.

JURY TRIAL DEMANDED

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**PLAINTIFF'S MOTION TO APPROVE WRONGFUL DEATH
SETTLEMENTS AND DISTRIBUTION OF THE PROCEEDS**

Plaintiff JOHN BULTHOUSE Individually and as Personal Representative
for the Estate of Paul Bulthouse, Deceased ("The Estate"), states as follows in
support of this Motion:

1. Paul Bulthouse (“decedent”) died on April 4, 2019 while at the Muskegon County Jail.
2. As a result of the Decedent’s death, attorney Marcel Benavides was retained to pursue any and all claims, including a 42 USC Section 1983, Violation of Civil Rights claim against the Defendants named above.
3. The matter has resolved against Defendants COUNTY OF MUSKEGON, SHERIFF MICHAEL POULIN; LT. MARK BURNS; SGT. DAVID VANDERLAAN; DEPUTY BRITTANY MILLER; DEPUTY JESSIE OLSON; DEPUTY CRYSTAL GREVE; DEPUTY JUSTIN WALL; DEPUTY CHRISTOPHER GRAVIANO; DEPUTY BRADLEY PERRI; DEPUTY JAMAL LANE; DEPUTY JEFFERY PATTERSON; and DEPUTY SHAWN BAKER, collectively referred to as “the County Defendants”, for \$2,400,000.00. *Exhibit 1 – County Defendants Release.*
4. Additionally, a confidential settlement was reached with Defendants WELLPATH, LLC, formerly known as CORRECT CARE SOLUTIONS, LLC; JOSEPH NATOLE, JR., M.D. P.C.; DR. JOSEPH NATOLE, M.D.; CARLEEN BLANCHE, RN; AUBREY SCHOTTS, RN; JESSICA ANN FAIRBANKS, LPN; ASHLEIGH SEVERANCE, LPN; DANIELLE CARLSON, LPN; DAVID LOPEZ, LPN; RICHELE MARION, EMT; BRITNI BRINKMAN, EMT; and SARA BRUCE, EMT, collectively referred

to as “the Wellpath Defendants”. ***Confidential Exhibit 2 – Wellpath Defendants Release.***

5. The settlements are fair, reasonable, and in the best interest of the Estate as well as the wrongful death claimants, and Plaintiff requests this Honorable Court’s approval of the same pursuant to MCL 600.2922.
6. As to the County Defendants’ settlement, pursuant to his one-third contingency fee agreement, attorney Marcel Benavides is entitled to payment of his costs of \$25,854.81 and one third attorney fee of \$791,381.73 from the settlement proceeds. ***Exhibit 3 – County Defendants Settlement Breakdown.***
7. As to the County Defendants’ settlement, The Darren Findling Law Firm, PLC, was retained to provide probate services to the Estate and are entitled to payment of costs of \$11.00 and attorney fees of \$5,438.50 from the settlement proceeds. ***Exhibit 4 –Itemized Invoice.***
8. As to the County Defendants’ settlement, there is an Optum Lien in the amount of \$126.38 which Plaintiff requests be paid in full from the settlement proceeds. ***Exhibit 5 - Optum Lien.***
9. As to the Wellpath Defendants’ settlement, pursuant to his one-third contingency fee agreement, attorney Marcel Benavides is entitled to payment of his costs and attorney fee from the settlement proceeds. ***Confidential Exhibit 6 – Wellpath Defendants Settlement Breakdown.***

10. After payment of the attorney fees and costs, the remainder of the wrongful death proceeds shall be distributed as provided by MCL 600.2922(6)(d)¹.

11. There is no outstanding claim for funeral, burial, medical or hospital expenses for which the Estate is liable.

12. The proceeds cannot be used to satisfy any other claims against the Estate.
See MCL 600.2922(6)(d).

13. No allocation is being requested to the Estate for conscious pain and suffering.

14. The wrongful death claimants identified by MCL 600.2922(3) include the following persons:

- John Bulthouse, *Father*
684 Judson Rd.
Norton Shores, MI 49456
- Barbara Bulthouse, *Mother*
684 Judson Rd.
Norton Shores, MI 49456
- Jeremy Bulthouse, *Brother*
2508 Buyn Circle
Virginia Beach, VA 23453
- Helen Bulthouse, *Paternal Grandmother*
498 Judson Rd.
Norton Shores, MI 49456

¹ MCL 600.2922(6)(d) states:

After a hearing by the court, the court shall order payment from the proceeds of the reasonable medical, hospital, funeral, and burial expenses of the decedent for which the estate is liable. The proceeds shall not be applied to the payment of any other charges against the estate of the decedent. The court shall then enter an order distributing the proceeds to those persons designated in subsection (3) who suffered damages and to the estate of the deceased for compensation for conscious pain and suffering, if any, in the amount as the court or jury considers fair and equitable considering the relative damages sustained by each of the persons and the estate of the decedent...

15.Appointment of a Guardian ad Litem is not required as there are no minor wrongful death claimants. See MCL 600.2922(6)(c).

16.Plaintiff is proposing distribution of the net proceeds for loss of support and/or society and companionship as follows:

John Bulthouse	1/3
Barbara Bulthouse	1/3
Jeremy Bulthouse	1/3
Remainder of Claimants	\$0.00

17.Plaintiff requests that his signatures on the Releases be ratified, see *Exhibit 1* and *Confidential Exhibit 2*, and that he be allowed to sign any other documents necessary to effectuate the settlements.

18.The wrongful death claimants have been afforded with Notice of Hearing and a copy of this Motion within the time afforded by law prior to the scheduled hearing.

19.A Proposed Order Granting the Motion is attached as *Exhibit 7*.

Plaintiff JOHN BULTHOUSE Individually and as Personal Representative for the Estate of Paul Bulthouse, Deceased, requests that this Court enter an Order:

- A. Approving the Settlement;
- B. Approving payment of costs and attorney fees;
- C. Approving the proposed distribution provided herein;

- D. Authorizing John Bulthouse to sign the Releases, as well as any other documents necessary to effectuate the settlements; and
- E. Any other relief deemed fair and just.

Respectfully submitted,

/s/Marcel S. Benavides

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Dated: October 21, 2021